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By ECF and Electronic Mail to  
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The Honorable Stuart M. Bernstein  
United States Bankruptcy Court  
One Bowling Green  
New York, New York 10004

Re: Securities Investor Protection Corporation v. Bernard L.  
Madoff Investment Securities LLC, No. 08-1789 (SMB)

Dear Judge Bernstein:

I am writing concerning the proceedings pursuant to the Order Concerning Further Proceedings on Extraterritoriality Motion and Trustee's Omnibus Motion for Leave to Replead and for Limited Discovery (ECF 8800), as amended (the "Scheduling Order"). As the Court is aware, the Transferee Defendants filed their supplemental reply memorandum pursuant to the Scheduling Order last Wednesday, September 30.

Paragraph 11 of the Scheduling Order provides:

No later than one week after filing the Transferee Defendants' Supplemental Reply Memorandum, the Transferee Defendants shall designate one lead counsel to advocate their position at oral argument on the Hearing Date, but any other attorney who wishes to be heard may appear and so request.

Pursuant to paragraph 11, the Transferee Defendants designate me as lead counsel to advocate their position at oral argument. My understanding is that requests to be heard by other attorneys for the Transferee Defendants may be made at the hearing itself.

Paragraph 10 of the Order provides that the oral argument on the issues set forth in paragraph 1 will be on a date to be fixed by the Court. I have commitments on most Tuesdays and Thursday for the rest of this year, and therefore respectfully request that the hearing pursuant to the Scheduling Order not be scheduled for a Tuesday or a

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Thursday. My understanding is that, in any event, hearings in this SIPA case are normally held on Wednesdays.

Respectfully submitted,

/s/ Robinson B. Lacy

Robinson B. Lacy

cc (by e-mail):

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